

Appl. No. : 10/043,688  
Filed : January 10, 2002

### REMARKS

In response to the Office Action mailed April 25, 2006, Applicant respectfully requests the Examiner to reconsider the above-captioned application in view of the foregoing amendments and the following comments. By this paper, Claims 39 and 138-139 have been amended and Claims 1-38, 49-133 have been canceled. Accordingly, Claims 39-48 and 134-142 are currently pending.

#### **Discussion of Claim rejections under 35 U.S.C. § 112**

Claims 49-52 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. By this paper, Claims 49-52 have been canceled and, thus, this rejection is now moot.

#### **Discussion of Claim Rejections under 35 U.S.C. § 102**

Claims 39-44, 49-52, and 134-142 are rejected under 35 USC § 102(e) as being anticipated by Worthington et al. (U.S. Patent number 6,760,298). In view of the claim amendments above, and the remarks below, Applicant respectfully request removal of these rejections.

Claim 39, as amended, recites:

A method of acquiring information regarding one or more investigational features related to a biological sample on an optical bio-disc, the method comprising:

- acquiring a plurality of analog signals from an optical disc assembly using one or more photo detectors;

- summing a first subset of the plurality of analog signals to produce a sum signal, wherein the sum signal is indicative of one or more investigational features related to the biological sample;

- combining a second subset of the plurality of analog signals to produce a tracking error signal;

- obtaining information used to operate an optical disc drive from the tracking error signal; and

- configuring a portion of an optical disc drive chip set to perform an analog-to-digital converter function, a demodulation/decode function, and an output interface function, wherein said step of configuring further comprises bypassing said sum signal around said demodulation/decode function

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Worthington fails to teach or suggest the combination of features recited in Claim 39. For example, Worthington fails to teach or suggest "configuring a portion of an optical disc drive chip set to perform an analog-to-digital converter function, a demodulation/decode function, and an output interface function, wherein said step of configuring further comprises *by-passing said sum signal around said demodulation/decode function*," as recited in amended Claim 39. Accordingly, amended Claim 39 is believed to be patentable over the cited art.

Claim 138, as amended, recites:

A system of acquiring information regarding one or more investigational features related to a biological sample on an optical bio-disc, the system comprising:

means for acquiring a plurality of analog signals from an optical disc assembly using one or more photo detectors;

means for summing a first subset of the plurality of analog signals to produce a sum signal, wherein the sum signal is indicative of one or more investigational features related to the sample;

means for combining a second subset of the plurality of analog signals to produce a tracking error signal;

means for obtaining information used to operate an optical disc drive from the tracking error signal; and

a demodulation means for performing a demodulation function; and

means for processing the sum signal to acquire information regarding the one or more investigational features related to the sample, wherein said sum signal bypasses said demodulation means via one or more electrical paths from said summing means directly to said processing means.

Worthington fails to teach or suggest the combination of features recited in Claim 138. For example, Worthington fails to teach or suggest "a demodulation means for performing a demodulation function; and means for processing the sum signal to acquire information regarding the one or more investigational features related to the sample, wherein *said sum signal bypasses said demodulation means via one or more electrical paths from said summing means directly to said processing means*," as recited in amended Claim 138. Accordingly, amended Claim 138 is believed to be patentable over the cited art.

Claim 139, as amended, recites:

A system of acquiring information regarding one or more investigational of a biological sample on an optical bio-disc, the system comprising:

a light source for emitting light so that at least a portion of the light is incident on the optical bio-disc;

one or more photo detectors for sensing portions of the light reflected from the optical bio-disc, wherein the one or more photo detectors output a plurality of analog signals corresponding to the sensed reflected light;

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at least one electronic device for summing a first subset of the plurality of analog signals to produce a sum signal, wherein the sum signal is indicative of one or more investigational features of the sample, and for producing a tracking error signal based at least partly on a second subset of the plurality of analog signals;

a demodulator for performing a demodulation function; and

a processor for processing the sum signal to acquire information regarding the one or more investigational features of the sample, wherein said sum signal bypasses said demodulator via one or more electrical paths from said electronic device directly to said processor.

Worthington fails to teach or suggest the combination of features recited in Claim 139. For example, Worthington fails to teach or suggest “a demodulator for performing a demodulation function; and a processor for processing the sum signal to acquire information regarding the one or more investigational features of the sample, wherein *said sum signal bypasses said demodulator via one or more electrical paths from said electronic device directly to said processor*,” as recited in amended Claim 139. Accordingly, amended Claim 139 is believed to be patentable over the cited art.

Claims 40-44 and 134-137 depend from Claim 39 and Claims 140-142 depend from Claim 139. The dependent claims include each of the limitations of their respective base claims and are, therefore, believed to be allowable over the cited art at least for the reasons discussed above with reference to their respective base claims. Reconsideration and prompt notice of allowability of Claims 39-44 and 133-137 is respectfully requested.

### **CONCLUSION**

Applicant has endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. By focusing on specific claims and claim limitations in the discussion above, Applicant does not imply an agreement with the Examiner's assertions regarding other claims and claim limitations. Additionally, Applicant reserves the right to disqualify any of the cited references as prior art by showing an earlier invention date. In light of the above amendments and remarks, reconsideration and withdrawal of the outstanding rejections is respectfully requested. If the Examiner has any questions which may be answered by telephone, he is invited to call the undersigned directly.

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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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